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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
FOX ET AL.

Serial No. **09/500,108**

Filing Date: **February 8, 2000**

Confirmation No. **2137**

For: **SYSTEM AND METHOD FOR
ASSESSING THE SECURITY
POSTURE OF A NETWORK**

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) Examiner: K. Abrishamkar
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) Art Unit: 2131
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FEB 12 2004

Technology Center 2100

DECLARATION UNDER 37 CFR §1.131

Mail Stop FEE Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

We, **KEVIN L. FOX, RONDA R. HENNING, JOHN T. FARRELL**
and **CLIFFORD C. MILLER**, do hereby declare and state:

1. We are the co-inventors of claims 1-36 as
originally filed in the above-identified patent application.

2. We conceived the subject matter of the above-
identified patent application while working in our
laboratories in the United States at Harris Corporation in
Palm Bay, Florida prior to December 29, 1998, the effective
date of U.S. Patent No. 6,415,321 to Gleichauf et al.

3. We conceived of a method, computer program and
data processing system for accessing the security posture of a

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network that creates a system object model database representing a network and supporting the information data requirements of disparate network vulnerability analysis programs. The system object model database is exported to the programs. The network is analyzed with each program to produce data results, which are correlated to determine the security posture of the network.

4. From the time of conception before December 29, 1998 to reduction to practice after December 29, 1998, we worked diligently to complete the invention. After reducing to practice the invention as claimed, we worked to improve the invention software, including the layout of the graphical user interface, and filed a patent application on our invention.

5. Exhibits 1-6 show the development and work from the time of conception to reduction to practice. The dates have been redacted on these documents.

6. Exhibit 1 is a task report for the network visualization tool (NVT), which was produced before December 29, 1998. This document shows that the conception and some work towards reduction to practice of the present invention had been accomplished, including the creation of a database as a system object model to support data requirements of disparate network vulnerability analysis programs. These

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would be exported and the network analyzed and data results correlated. Exhibit 2 was also produced before December 29, 1998, and is a short abstract by two co-inventors of the present invention. This abstract explains how the inventors through their corporate entity had been conducting research for a single topological model to support multiple vulnerability analysis tools and the beginning of prototype development. Exhibit 3 was also produced before December 29, 1998, and sets forth different prototype design notes for the type of disparate computer programs that could be used with the present invention.

7. Later development was completed after December 31, 1999 and included enhancements to the architecture as shown in Exhibit 4, showing fuzzy fusion as operative with the system object model. Exhibit 5 is similar to Exhibit 4 and shows the fuzzy fusion process in greater detail. Exhibit 6 is a white paper describing a brief overview of the system vulnerability analysis with the network visualization tool of the present invention. It clearly shows that the software for the method, computer program and data processing system of the present invention had been reduced to practice as shown in the examples of the actual graphical user interfaces depicted in FIGS. 2, 3, 4 and 5.

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8. We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

1/22/04
Date

1/22/04
Date

1/26/04
Date

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Date

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